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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/765,870 | 01/29/2004 | Gad Inon | Q76912 | 2642 |
| 23373 7590 08/22/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | | |
| EXAMINER GAUTHIER, GERALD | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2614 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 08/22/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,870

Applicant(s)

INON, GAD

Examiner

Gerald Gauthier

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 11-19 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 8-10 and 20-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Menon et al. (US 6,868,143 B1).

Regarding **claims 8 and 20**, Menon discloses a method for initiating a session in a store and forward messaging system [column 1, lines 14-17], said method comprising:

receiving a session connection request from a subscriber of the store and forward messaging system [the subscriber requests a message using a phone, and the message data store includes one message for the subscriber that contains 1000 characters, column 6, lines 8-25];

determining capability information of a device used by the subscriber to connect to the store and forward messaging system [the message server (102) examines the user agent string. The user agent string identifies the IP address of the device submitting the request and also identifies aspects of the user interface, such as the type and version of browser software used to issue the request, column 9, lines 10-37];

comparing the determined capability information of the device used by the subscriber to a stored device capability information of the subscriber in order to determine whether capability information has changed [the device component 212 accesses a device registry, which contains information for all of the devices that the subscriber has registered in the system, column 5, lines 38-44].

Regarding **claims 9 and 21**, Menon discloses a method for initiating a session, wherein, if it is determined that the capability information has changed, or it is the first time the subscriber has called into the store and forward messaging system, or that the capability information of the device used by the subscriber was initialized, then the stored device capability information of the subscriber is replaced by the determined capability information of the device used by the subscriber to connect to the store and forward messaging system [column 5, lines 17-37].

Regarding **claims 10 and 22**, Menon discloses a method for initiating a session, wherein the capability information comprises at least one of the following: a video codec, a rate of video codec, an audio codec, a rate of audio codec, a screen size of the device used by the guest or subscriber, and colors supported by the device used by the guest or subscriber [column 5, lines 17-37].

Allowable Subject Matter

3. **Claims 1-7 and 11-19** are allowed.

Response to Arguments

4. Applicant's arguments with respect to **claims 1-22** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bansal et al. is cited for delivering messages to a device.

Coulombe is cited for adaptation of SIP messages based on recipient's terminal capabilities and preferences.

Wood is cited for communication in a communication system. Picard et al. is cited for accessing multimedia mailboxes and messages over the internet and via telephone.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

GG
August 23, 2008